

Serial No: 10/029,787
Art Unit: 1744

Examiner: Monzer R. Chorbaji
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REMARKS

Claims 1 and 2 is amended hereby to clarify the language. This clarification was not required by the Office Action, and is not submitted for the purpose of overcoming any rejection.

Claim 3 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, the Office Action maintains that in Claim 3, lines 8 - 9, application uses the term "receiver," and that the specification does not teach the meaning of such term. The Office Action states that the term "receiver" is considered equivalent to the term "sensor" in examining this claim.

Applicant has amended Claim 3 to delete the term "receiver" and insert the word "radiation sensor." Applicant agrees with the Examiner that the term "receiver" and the term "sensor" are equivalent. The specification discloses that the sensor receives radiation; the sensor is therefore a radiation receiver. Accordingly, the specification discloses a receiver. While the amendment of the term receiver to the word sensor is therefore not necessary to overcome the rejection under 35 U.S.C. § 112, the Applicant has made this amendment for the purpose of consistency.

Claims 1 through 4 stand rejected under the judicially created doctrine of

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obviousness-type double patenting, as being unpatentable over claims 1-5 and 14-20 of *Deal*, U.S. Patent No. 6,656,424. A terminal disclaimer is enclosed herewith.

The Applicant has added dependent Claims 5-10, independent Claim 11, and dependent Claims 12-15. Each of these Claims is allowable over the prior art of record.

It is respectfully submitted that the within Application is in condition for allowance. Review and allowance at the earliest possible date is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Craig Killough", written over a horizontal line.

B. Craig Killough
Attorney for Applicant
Registration Number 30,398
P.O. Drawer H
Charleston, SC 29402
(843) 577-7700

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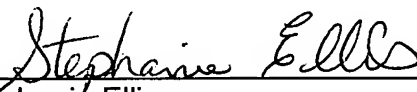
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CERTIFICATE OF MAILING

I hereby certify that this Response to Office Action Dated May 5, 2004, Terminal Disclaimer, Check in the amount of \$65.00, post card are being deposited with the United States Postal Service, with sufficient postage attached thereto, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15th day of December, 2004.



Stephanie Ellis
Assistant to B. CRAIG KILLOUGH
Attorney for Applicant
P.O. Drawer H
Charleston, SC 29402
(843) 577-7700